

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**ACI WORLDWIDE CORP.,**

**Plaintiff,**

**V.**

**MASTERCARD TECHNOLOGIES,  
LLC and MASTERCARD  
INTERNATIONAL  
INCORPORATED,**

## Defendants.

**8:14CV31**

## ORDER

This matter is before the court on Plaintiff's motion for leave ([Filing No. 405](#)) to file a sur-reply brief in opposition to Defendants' Motion for Summary Judgment ([Filing No. 374](#)). Defendants filed a brief ([Filing No. 406](#)) opposing the motion.

This court’s local rules provide, “No party may file further briefs or evidence [after the moving party files a reply brief] without the court’s leave.” NECivR [7.1\(c\)](#). Plaintiff asserts its proposed sur-reply brief identifies and corrects “several new and incorrect assertions” in Defendants’ reply brief ([Filing No. 404](#)) which will provide the court with a full and accurate record. ([Filing No. 405 at p. 1](#)). However, as Defendants have pointed out in their brief opposing this motion, each issue addressed in Plaintiff’s proposed sur-reply was raised in Defendants’ initial brief ([Filing No. 375](#)) in support of the motion for summary judgment. Plaintiff’s proposed sur-reply brief appears to be a restatement of its arguments in its brief in opposition ([Filing No. 390](#)). Accordingly,

**IT IS ORDERED:** Plaintiff's Motion for Leave to File Sur-Reply Brief in Opposition to Defendants' Motion for Summary Judgment ([Filing No. 405](#)) is denied.

**DATED: August 12, 2016.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**